

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 10, 2009

DIVISION ONE

B210234 People (Not for Publication)
v.
Frederick Tellez

The judgment is affirmed.

Rothschild, Acting P.J.

We concur: Chaney, J.
Johnson, J.

B216127 Los Angeles County, D.C.F.S. (Not for Publication)
v.
R.E.

The order denying a hearing on Mother's section 388 petition is affirmed. The order terminating parental rights is reversed, and the matter is remanded to the juvenile court with directions to order the Los Angeles County Department of Children and Family Services to comply with the notice provisions of the Indian Child Welfare Act. If, after proper notice, the court finds that the child is an Indian child, the juvenile court shall proceed in conformity with the provisions of the Indian Child Welfare Act. If, on the other hand, the court finds that the child is not an Indian child, the order terminating parental rights may be reinstated by the court.

Rothschild, J.

We concur: Mallano, P.J.
 Johnson, J.

DIVISION TWO

B212145 Bus Riders Union, et al.
 v.
 Los Angeles County Metropolitan Transportation Agency

Filed order certifying opinion for publication.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Presiding Justice Klein announces that Justice Kitching is unable to be present at oral argument due to an emergency. Counsel are asked to stipulate to Justice Kitching participating in oral argument by listening to the audio recording of oral argument. If there are any objections to this a matter will be continued to another calendar date in the future.

Each of the following:

B213756 Children and Family Services v. J.E.
B216055 Children and Family Services v. M.C.
B213553 Children and Family Services v. R.K.
B213036 People v. Mabson
B211240 People v. Gascon
B210201 Reichelt v. Koontz

Argument waived, cause submitted.

B203925 Sanders
 v.
 Wolfberg, et al.

Appearances:

Wendy Y. Watanabe appears for appellant and Jeff C. Hsu, Mark Schaeffer and Marie E. Colmey appear for respondents. Counsel inform the court of the status of a possible settlement. Matter taken off calendar and set for a status conference on February 10, 2010 at 1:30 p.m.

DIVISION THREE (continued)

B206483 People
 v.
 Flores

Merits:

Argued by Sara H. Ruddy for appellant and by Roberta L. Davis, deputy attorney general for respondent. Cause submitted.

B207481 Perrymon
 v.
 Bullis, et al.

Merits:

Argued by Jennifer R. Jacobs for appellants and by Kyle P. Kelley for respondent. Cause submitted.

B216622 People
 v.
 Superior Court, Los Angeles County
 (Lozano, r.p.i.)

Merits:

Argued by Patrick Moran, deputy district attorney for petitioner and by Henry Salcido for real party in interest. Cause submitted.

Court recessed.

Court reconvened at 1:34 p.m.

Present: Klein, P.J., Croskey, J., Aldrich, J. and Zaida Clayton, Deputy Clerk

Presiding Justice Klein announces that Justice Kitching is unable to be present at oral argument due to an emergency. Counsel are asked to stipulate to Justice Kitching participating in oral argument by listening to the audio recording of oral argument. If there are any objections to this a matter will be continued to another calendar date in the future.

DIVISION THREE (continued)

B211656 Tenzera, Inc.
 v.
 Michael Osterman et al

Merits:
Argued by Alicia Natalie Vaz for appellants and by Thomas J. Weiss for respondent. Cause submitted.

B212916 Scott Shapiro
 v.
 Roslyn Cohen

Merits:
Argued by Alan M. Goldberg for appellant and by Justin Gold for respondent. Cause submitted.

B211967 Suzanne Themeli
 v.
 Ports of Call HOA

Merits:
Argued by Howard Gold for appellant and by Sandra Carter for respondent. Cause submitted.

B210622 James Foley
 v.
 Angela Ann Bernard

Merits:
Argued by appellant James Foley, in propria persona and by Jack Spiegelman for respondent. Cause submitted.

DIVISION THREE (continued)

B212624 Manuel Gurrola
v.
The City of Los Angeles

Merits:

Argued by appellant Manuel Gurrola, in propria persona and by Peter Langsfeld, Deputy City Attorney for respondent. Cause submitted.

Court adjourned.

B205917 Greenspan (Not for Publication)
v.
Manhattan Loft, LLC, et al.

The judgment of the trial court is reversed and the matter remanded with directions that the trial court vacate its order correcting the arbitrator's award and enter a new and different order confirming the award in its entirety. The Trust shall recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION FOUR

B207295 People v. Aguilar (Not for Publication)

The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment reflecting that the trial court imposed a sentence of life without the possibility of parole on count 1. The parole revocation fine is stricken. In all other respects, the judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION SIX

Court convened at 9:00 a.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

Each of the following:

B200090 M & C Products Analysis Technology v. Bertik
B212959 Stone v. Lovell

Argument waived, cause submitted.

B209776 Carnahan
v.
Stephenson

Merits:
Argued by Thomas Randolph Catanese for appellants and by Martha R. Farwell for respondents. No appearance pursuant to Rule 8.220(a)(2), Calif. Rules of Court, by respondent Robert E. Stephenson. Cause submitted.

DIVISION SIX (continued)

B212570 Schweitzer
 v.
 County of Ventura

Merits:
Argued by Maury Mills for appellant and by Jeffrey Held for respondent.
Cause submitted.

B211486 Espinoza
 v.
 Espinoza

Merits:
Argued by Michael J. Smith, appearing pro bono, for appellant and by
Marsha Kay Niedens for respondent. In open court appellant's motion to
augment the record on appeal with the minute order and declaration by the
court reporter regarding a corrupt disc is denied. Appellant's oral request to
take judicial notice of the Minute Order is denied. Cause submitted.

B211784 Hill
 v.
 Castellanos

Merits:
Argued by Gregory Scott Benker for appellant and by Mario Armando
Juarez for respondent. Cause submitted.

Yegan, J. left the bench.

DIVISION SIX (continued)

B211127 Diaz
 v.
 Carcamo

Merits:

Argued by Paul Glad for appellants and by Roland Wrinkle for respondent Diaz. No appearance pursuant to Rule 8.220(a)(2), Calif. Rules of Court, by respondent Tagliaferri. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Gilbert, P.J., Yegan, J., Coffee, J. and G. Bents, Senior Deputy Clerk.

B208511 Marriage
 of
 Spencer

Merits:

Argued by Chandra Gehri Spencer, appellant appearing in propria persona, and by Wendy C. Lascher for respondent. Cause submitted.

B209634 Kroeger
 v.
 Newman

Merits:

Argued by James Andrew Sonne for appellant and by Robert I. Long for respondent Ringhof. No appearance pursuant to Rule 8.220 (a)(2), Calif. Rules of Court, by respondent Kroeger. Cause submitted.

DIVISION SIX (continued)

B209277 Friends of Outer State Street
v.
City of Santa Barbara

Merits:

Argued by James Oliver Kahan for appellant; by Stephen P. Wiley, City Attorney for respondent City of Santa Barbara; and by Robert Hart, respondent, appearing in propria persona. Deborah Hart, respondent in propria persona, appeared in court and did not argue. In open court appellant's counsel is permitted to submit case citations at oral argument in writing by letter served and filed. Cause submitted.

B214357 Global Discoveries, LTD.
v.
County of Ventura

Merits:

Argued by C. Daniel Carroll for appellant and by Linda Ash, Assistant County Counsel, for respondents. Cause submitted.

Court adjourned.

B212524 Sustainable Transportation Advocates f Santa Barbara
v.
Santa Barbara County Association of Governments

Filed order denying petition for rehearing.

B212524 Sustainable Transportation Advocates of Santa Barbara
v.
Santa Barbara County Association of Governments

Filed order certifying opinion for publication.

DIVISION SEVEN

[illegible]

The sentences on counts 2 (assault with a deadly weapon) and 3 (commercial burglary) are stayed. In all other respects the judgment is affirmed.

Jackson, J.

We concur: Perluss, P.J.
Zelon, J.

B204321 Lee Jackson, et al. (Certified for Partial Publication)
v.
Robert T. Yarbray
Best Best & Krieger, LLP

The judgment as to Best, Best & Krieger, LLP is affirmed in its entirety. The portion of the judgment awarding compensatory damages against ComputerXPress.com, Inc., Robert T. Yarbray, Wayne Nichols, Franklin Scivally and James L. Rather is reversed in part, and the matter remanded to the trial court for further proceedings not inconsistent with this opinion. In all other respects the judgment is affirmed.

Best, Best & Krieger, LLP is to recover its costs on appeal. Lee Jackson, Barbara Jackson, John Fecteau, Carol Fecteau and Thomas Mitchell, individually and as personal representative of the Estate of Doran Mitchell, are to recover their costs on appeal with respect to the issues raised by the appeal of Robert T. Yarbray.

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

DIVISION SEVEN (continued)

B216226 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 C. C.

The order is affirmed.

Jackson, J.

We concur: Perluss, P.J.
 Zelon, J.

B213694 People (Not for Publication)
 v.
 Parham

The judgment is affirmed.

Jackson, J.

We concur: Woods, Acting P.J.
 Zelon, J.

DIVISION EIGHT

B203902 Patricia Fernandez, et al. (Not for Publication)
 v.
 SPV Water Company, et al.

For the reasons set forth above, the judgment for defendants and the order awarding them attorney's fees are both affirmed. Defendants shall recover their appellate costs.

Rubin, Acting P.J.

We concur: Flier, J.
 Mohr, J. (Assigned)

DIVISION EIGHT (continued)

B207265 Robyn S. Osinoff (Not for Publication)
 v.
 William Glucksman, et al.

The judgment is affirmed. For the reasons set forth in part 7, *ante*, the parties are to bear their own costs on appeal.

Flier, J.

We concur: Rubin, Acting P.J.
 Bendix, J. (Assigned)

B212761 Princess Cruise Lines, LTD (Certified for Publication)
 v.
 Superior Court, Los Angeles County
 (H. Roger Wang, et al., r.p.i.)

The alternative writ is discharged. The respondent court is ordered to vacate its order denying summary judgment in the action. The respondent court is directed to enter an order granting the motion for summary judgment and to conduct such further proceedings as are appropriate and that are consistent with this opinion. Petitioner is to recover its costs in this proceeding.

Flier, J.

We concur: Rubin, Acting P.J.
 Bigelow, J.

DIVISION EIGHT (continued)

B214049 Los Angeles County, D.C.F.S. (Not for Publication)
v.
W.W.

The order terminating parental rights is reversed. The matter is remanded to the juvenile court with directions to order the department to provide the Bureau of Indian Affairs and any other appropriate tribe with proper notice under ICWA. If those tribes indicate the children are not Indian children, the juvenile court shall reinstate the order terminating parental rights. If, however, it is determined that the children are indeed Indian children, then the juvenile court shall proceed in accordance with ICWA.

Rubin, Acting P.J.

We concur: Bigelow, J.
Mohr, J. (Assigned)